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Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Reports of States parties due in 2007

Angola*

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Introduction

1. In the 1980s, the situation of children in Angola could be described as one of extreme concern, characterized by war and widespread poverty in Angola, with rates that indicated that 67% of the total population was living below the poverty line. Living conditions in urban areas were worse than in rural areas. It was against this backdrop that many children became trapped in the world of marginality and exclusion, making them vulnerable to all forms of violence and physical and psycho-social degradation. This was the origin of the repugnant phenomenon of "***child prostitutes***," because people took advantage of circumstances that forced girls age 14 and older who were socially at risk to subject themselves to seductive offers from persons who had monetary or material assets. This was a way of seeking conditions of survival. The result was the stigmatizing term of "*catorzinha*."[1]

2. Under these circumstances, even though the armed conflict resumed in 1992 and there were limited government initiatives to plan and implement specific programmes related to the commitments of the World Summit, many activities were carried out. Activities carried out to support Angolan children come to mind. We can mention events with a national impact that galvanized all other initiatives that characterize efforts now being made, namely the National Symposium on Children in 1993, which brought together representatives of all sectors concerned over the situation of children, including political parties, institutions from civil society and international institutions. Intervention strategies and guidelines were established at the symposium for the benefit of the children of Angola as part of the commitments made at the Global Summit and the Convention on the Rights of the Child.

3. In 1997 there was the National Meeting on the Sexual Exploitation of Children, with its diagnostic/prognostic approach. This demonstrated a growing trend of a worsening situation, and it concluded that it was necessary to take practical and coordinated measures to prevent and fight the phenomenon that was not identified with Angolan culture.

4. According to paragraph 1 of Article 12 of the Protocol, the State of Angola committed to submit to the Committee on the Rights of the Child (Committee) a report with complete information on measures taken to implement its provisions.

5. Despite its efforts, Angola did not submit on time the report to which it committed. Angola took this opportunity to lengthen the period of coverage (2003-2014) that was evaluated, thereby enriching the process of analysing progress and constraints.

6. The process of preparing this report was led by the Intersectoral Commission for the Preparation of National Reports on Human Rights-CIERNDH, in the context of coordination and cooperation with civil society, and there was a major contribution from the National Council on Children (CNC).

I. Information on measures taken to comply with Article 1 of the Protocol to support the implementation of Articles 11, 21, 32, 34, 35 and 36 of the Convention on the Rights of the Child (CRC)

7. The General Assembly of the United Nations adopted the Optional Protocol to the Convention on the Rights of the Child, **on the Sale of Children, Child Prostitution and**

[1] *Catorzinhas* was the term used in the 1980s and 1990s to describe child (female) prostitutes.

Child Pornography on 25 May 2000 and it became universally valid on 18 January 2002. The State of Angola ratified it as part of a process that began with its approval by the National Assembly in August 2002 through Resolution No. 22/02, published in the Official Gazette of 13 August, and it ended with the submission of the respective ratification instruments to United Nations the Secretariat. This made it an international commitment with a firm effort to bring the national mechanisms more in line with international monitoring mechanisms established to make cooperation possible in this area.

8. According to Article 13, 1 and 2 of the Constitution of the Republic of Angola (CRA): General or common international law received under the terms of the Constitution shall form an integral part of the Angolan legal system; duly approved or ratified international treaties and agreements shall come into force in the Angolan legal system after they have been officially published and have entered into force in the international legal system, and they are internationally binding on the State of Angola. As a consequence of concluding the process of ratifying it without reservation, the Protocol obtained legal status in the national legislation of Angola and is enforceable in domestic jurisdictions.

9. Membership in international human rights treaties and, in this case, the Protocol, ensures and strengthens the principles of non-discrimination, the best interests of the child, the right to life, survival and development and respect for the opinion of children. This is preparation for implementing the measures the State party adopted in compliance with the Protocol (see Article 23, Article 30, Article 40 and 80 of the CRA).

10. Articles 11, 21, 32, 34, 35 and 36 of the Convention on the Rights of the Child (CRC) mention the recognition by the State that children have the right to be protected from economic exploitation or being made to work in hazardous jobs or jobs that could jeopardize their education, be harmful to their health, to their physical, mental spiritual, moral or social development or that may involve illegal travel or retention abroad and adoption without the prior authorization of the competent authorities. Consequently, legislative, administrative, social and educational measures are to be taken:

(a) That guarantee that the adoption of a child is authorized solely by the competent authorities under the terms of the law, based on all creditable information on the specific case, taking into account the child's supreme interest;

(b) Ensure that children are effectively protected from the illegal use of drugs and psychotropic substances as defined in the governing international conventions, and to prevent the use of children in the production and illegal trafficking of such substances;

(c) That protect children from all forms of sexual exploitation and violence at the national, bilateral and multilateral levels to prevent children from being encouraged or coerced into dedicating themselves to an illegal sexual activity or from being exploited for the purpose of prostitution or other illegal sexual practices, or for material that is of a pornographic nature;

(d) That prevent the abduction, sale or trafficking of children, regardless of purpose or form;

(e) That protect children from all forms of exploitation that are prejudicial to any aspect of their well-being.

11. The adoption of Law No. 25/12 of 22 August on the Protection and Development of the Child in Angola as a legal instrument which, in harmony with the CRA, CAC and CRC, advocates precepts applicable to children, regardless of colour, race, gender, ethnic origin, place of birth, religion, degree of education, social position, marital status of the parents, physical and psychological condition or any other objective or subjective detail regarding the child, their parents or legal representatives.

12. It is incumbent on the State, through its entities established for this purpose, to make all discriminatory practices illegal and adopt mechanisms that seek to minimize the disadvantages these cause. This was the culmination of advocacy work carried out by the appropriate institutions in order to provide services universally, such as the National Observatory of the Child, the National Children's Fund, the "SOS Criança" help/reporting line, the Plan for Action and Intervention against the Commercial Sexual Exploitation of Children, the National Strategy to Fight Poverty, the National Food Security and Nutrition Strategy, and the Networks to Protect and Promote the Rights of the Child and the Court for Minors. Obviously, fighting these phenomena is a priority of the Executive Branch.

13. Moreover, as a result of on-going advocacy activity carried out over the years, Law No. 3/14 of 10 February was adopted on the Criminalization of Underlying Offences of Money Laundering so that the penal criminalization of Angola would protect certain fundamental legal interests (Article 1). Article 2 on penal legislation provides that, for the crimes it addresses, the provisions of the Penal Code and other penal legislation are applicable on a secondary basis.

14. Article 3 establishes that acts carried out on Angolan soil by citizens or aliens and acts carried out abroad are applicable: acts against Angolans, by Angolans who usually lived in Angola at the time the act was carried out and were here; provided the perpetrator was in Angola and cannot be extradited or turned over based on the execution of international cooperation instruments that are binding on the Angolan State; by Angolans, or by aliens against Angolans, if the perpetrators were in Angola. These are also punishable by the legislation of the location in which the acts are perpetrated, except when in that location no punitive authority is exercised and the act constitutes a crime for which extradition is possible but cannot be granted or a decision is made not to turn over the perpetrator pursuant to international cooperation instruments that are binding on the Angolan State; by legal entities or against a legal entity with headquarters or effective management on Angolan soil or against collective centers of interest that are not legal entities but are located on Angolan soil.

15. Regarding kidnapping, Article 15 of the Law provides that anyone who takes, detains, holds in captivity or has detained someone, or who in any way deprives that person of their freedom, is punished by a prison term of six months to three years or a penalty of up to 360 days if the deprivation of freedom:

(a) Was preceded by or accompanied by torture or other cruel, inhuman or degrading treatment;

(b) Was carried out under the false pretence that the victim was suffering from a psychological abnormality or against a defenceless person, because of the person's age, physical or psychological handicap, illness or pregnancy;

(c) Was carried out against a member of a sovereign entity, an auxiliary entity of a holder of executive authority, a provincial governor, a magistrate of the Office of the Public Prosecutor, the Ombudsman, an attorney, a court officer, a civil servant or anyone who is responsible for providing a public service, an enforcement officer or security officer, if the act was carried as part of or because of the exercise of the victim's position, as well as witnesses, declarants, experts, assistants or aggrieved persons, if the crime was committed for the purpose of preventing the testimony or reporting the acts or because of their intervention in the process;

(d) Lasted more than 15 days, the prison term is from two to eight years;

(e) Regarding deprivation of freedom: if it lasted more than 30 days, was preceded, accompanied by or resulted in a serious offence against the physical integrity of the victim or resulted in the suicide of the victim, the prison term is from two to 12 years;

(f) The prison term is three to 15 years if the deprivation of freedom results in the death of the victim.

16. Regarding abduction, Article 16 provides that: anyone who, by means of violence, threat or trickery abducts a person and transfers the person from one place to another with the intent to:

(a) Subject the person to slavery;

(b) Subject the person to extortion;

(c) Commit a crime against the person's sexual self-determination;

(d) Obtain ransom or compensation, is punished by a prison term of one to five years;

(e) The term is from two to 10, from two to 12 or from five to 14 years if any of the situations described in No. 1, 3 or 4 of the previous article occur.

17. Law No. 3/14 of 10 February, on the Criminalization of Underlying Offences of Money Laundering and Trafficking of Human Beings, makes illegal a series of acts, primarily against women and children.

18. Hostage-taking, Article 17. Anyone who commits kidnapping or abduction with political intentions and coercing a State, international organization, individual or legal entity, or an act or omission or to support a threatening activity, is punished by a prison term of two to eight years.

19. Slavery and servitude, Article 18. Anyone who reduces another person to the status of an individual over whom they exercise power completely or in part, inherent in the right of ownership, is punished with a prison term of seven to 15 years. Furthermore, anyone who commits the crime of slavery is punished by a prison term of one to five years if they purchase or sell a child under 14 for adoption or, for the same purpose, serve as a commercial intermediary or engage in an identical or similar transaction.

20. Human trafficking, Article 19. Anyone who offers, delivers, allures, accepts, transports, houses or hosts someone for purposes of sexual exploitation, labour exploitation or extraction of organs: by means of violence, abduction or serious threat; by trickery or fraudulent manoeuvre; with abuse of authority resulting from a relationship of administrative, economic, employment or family dependence; taking advantage of the psychological incapacity or situation of the victim's special vulnerability; or by obtaining the consent of the person who has control over the victim, is punished by a prison term of eight to 12 years.

21. Sexual trafficking of persons, Article 20. Anyone who, using violence, threats, trickery or fraudulent manoeuvres or who takes advantage of any relationship of dependence or situation of particular vulnerability of a person, is punished by a prison term of two to 10 years.

22. Pandering, Article 21. Anyone, who with the intent of profit, promotes, fosters or facilitates the exercise of prostitution or the repeated practice of sexual acts by another person, taking advantage of a situation of economic necessity or particular vulnerability of the victim, or who forces the victim to perform these exercises or practices, using violence, threats or fraud, is punished by a prison term of one to six years. If the perpetrator takes advantage of a situation of the victim's psychological incapacity, the prison term is from two to 10 years.

23. Pandering of minors, Article 22. Anyone who promotes, incites, encourages or facilitates the exercise of prostitution of minors under 18 years old or the repeated practice of sexual acts with minors less than 18 years old, is punished by a prison term of two to 10

years. If the perpetrator uses violence, threats or fraud, acts for profit or makes an occupation of the activity described in No. 22 above, if the minor has a psychological abnormality or is under 14 years old, the prison term is from five to 12 years.

24. Sexual trafficking of minors. Article 23. Anyone who allures minors under 18 years of age to exercise prostitution in a foreign country, or for the same purpose, transports, houses or hosts the minor, or in any other way encourages the exercise thereof, is punished by a prison term of three to 12 years. If the perpetrator uses violence, threats or fraud, acts for profit or makes an occupation of the activity described in No. 23 above, if the minor has a psychological abnormality or is under 12 years old, the prison term is from three to 15 years.

25. A major constraining factor is the lack of data due to poor or non-existent systems of registries, storage and processing of qualitative and quantitative data. This was the reason for creating the Children's Indicator system (SEC), which will be strengthened with the National Observatory of the Situation of the Child in that it will improve the situation and mitigate the constraint in this important area of the system to ensure the complete protection of children.

26. However, a significant number of children are involved in child labour and, of even greater concern, girls are involved (especially on farms) and exposed to the risk of sexual abuse or being allured to the practice of prostitution. A data survey and research is being conducted by the national research organizations.

27. According to data from the Interministerial Commission against the Trafficking of Human Beings, the Ministry of Assistance and Social Reintegration, children who are victims of abuse and human trafficking have been hosted in shelters throughout Angola.

28. The court authorities of Angola are working with their colleagues from Portugal and France to investigate cases of children reportedly trafficked to those countries.

29. Another measure that is part of the advocacy carried out over the years is the Tourism Code of Conduct against the Sexual Abuse and Exploitation of Children, approved through Joint Executive Decree No. 8/10 of 20 January. Its purpose is to ensure the fundamental rights of children by preventing and fighting the sexual exploitation of children in the area of hospitality and tourism. The Code identified rules to be implemented on a compulsory basis throughout Angola in hotels and similar establishments, additional facilities and tourism travel agencies, and all services directly or indirectly connected to the tourism and hospitality industry, namely companies, individuals, services, tourists and travellers who visit Angola and are required:

(a) To inform, make aware and provide guidance to the different segments of the tourism industry located in the origin and/or tourism destinations (cities and regions), under the terms of the Code and current legislation, and to act at all times against anything that is characteristic of the sexual exploitation of children and to report to their supervisors and public authorities suspicious facts and acts as well as anyone possibly involved;

(b) To establish clauses in contracts in the various hotel segments, lodgings, agencies and other service providers in the tourism industry or any type related to it, and to explicitly state that they reject any type of sexual exploitation of children;

(c) To repudiate any advertising of an erotic nature related to tourism in their establishment;

(d) To minimize the negative social impact of tourism by using standards of ethics that preserve social values, beliefs and norms in the performance of their activities;

(e) To refrain from all practices of sexual abuse and exploitation of children;

(f) To act with zeal and dedication in their business relations with the various sectors of tourism activity so that no one is encouraged to allure or sexually abuse children;

(g) To report to the competent entities practices of sexual abuse and exploitation of children, including neglect or when practiced wilfully by clients who use any establishment of the hotel and tourism sector; therefore, abusers, offenders and exploiters are held accountable;

(h) To bring appropriate disciplinary action against employees who carry out or facilitate the practice of sexual abuse and exploitation of children and other related practices, notwithstanding the civil and/or liability of those persons based on the specific case;

(i) To encourage the practice of reporting cases in which behaviours that conflict with the law are witnessed or observed, and to promote professional ethics to defend the moral values of society and discourage such practices;

(j) To post in highly conspicuous places information about the prevention of violence against children and the restrictions in this Code;

(k) To make workers and users aware of potential threats of sexual exploitation of children and the important role they are to play in educating their clients and tourists.

II. Data

30. Improving the people's well-being is the supreme objective of the government of Angola. A series of policies and programmes in different areas of national activities are being carried out. However, in order to systematically monitor and evaluate the effect of these policies and programs on the people's living conditions, the government, other social stakeholders and society in general, still need to have a system for periodically collecting statistical information that includes conducting surveys of households.

31. Based on the recognition of this necessity, the IBEP, or Survey of the People's Well-Being (2008-2009), was performed at an opportune time in the history of Angola's economic and social development. This is so because a baseline was established for many indicators of the people's well-being, based on which certain policies and programmes could be adjusted, and new policy lines could be identified.

32. The National Statistics Institute (INE) performed the 2008-2009 IBEP with support from UNICEF and the World Bank. This was the first survey with national coverage and a final sample of 11,852 households distributed over 5,707 [communes or municipalities], so that the universe was 58,123 persons interviewed and 6,145 urban and rural areas respectively.

33. Until 2014, the data from the Survey of the People's Well-Being (2008-2009 IBEP) were used. They showed the size and breakdown of the population at that time, in disaggregated form. One significant change was made fundamentally in the number of residents estimated by the 2008-2009 IBEP. The figures of the percentages of women compared to men remained the same, as shown in the Preliminary Results of the 2014 General Census of the Population and Housing, indicated in the table below:

Table 1
Comparative table of the estimated population in 2009 and counted by the 2014 Census

2008-2009 IBEP					*2014 Census*				
Total inhabitants	*Men*	*% (M/W)*	*Women*	*% (M/W)*	*Total inhabitants*	*Men*	*% (M/W)*	*Women*	*% (M/W)*
16 367 879	7 878 968	48%	8 468 911	52%	24 383 301	11 803 488	48%	12 579 813	52%

34. The analysis of the age group breakdown shows that Angola's population is young, and 48% of the people are less than 15 years old. This means that less than 50% of the population is economically active. Women of childbearing age (15-49 years) account for 44% and one of every three persons is of school age (6-17 years).

35. Available information shows that in Angola, 20% of children between 5 and 14 years old, at that time, were involved in activities considered child labour. This reality was predominant in rural areas, in which 32% were involved in child labour, compared to 11% in the cities. Regional disparities in the incidence of child labour are significant. In addition, poorer children are paid more, which may be an incentive for the sexual exploitation of children.

36. In 2004 many children were checked, treated and rehabilitated as indicated in the table below:

Table 2
Number of children involved in sexual exploitation that received rehabilitation treatment and were reintegrated

	2001		*2002*		*2003*		
Year	*From the street*	*From the community*	*From the street*	*From the community*	*From the street*	*From the community*	*Total*
Treated	81	120	111	97	210	44	663

37. In addition to the poverty of a large share of the population of Angola, other situations characteristic of Angolan children contribute to their vulnerability and exposure to economic and sexual exploitation, slavery and forced labour and extraction of organs, such as abandonment, separation, orphan status, uncontrolled migratory movements, and the sale and trafficking of children as the figures in the table below indicates:

Table 3
Children separated from their families (2002-2003)

Provinces	*Separated (open cases)*	*Reunited*	*With family, awaiting reunification*
Bengo, Bié, Benguela, Huambo, Huila, Kuando Kubango, Kuanza Norte, Kuanza Sul, Lunda Norte, Malange, Moxico Uige, Zaire	3 937	913	1 835

Source: PNLRF

Table 4
Statistical register of location and family reunification

Type of cases	*1998*	*1999*	*2000*	*2001*	*2002*	*2003*	*Total*
Registry of children	1 235	2 116	4 076	7 765	11 541	766	27 499
Registry of adults	316	638	1 303	2 310	2 834	789	8 190
Placement in adoptive families	42	232	866	2 545	7 594	595	11 874
Locating family	670	852	2 998	4 384	4 780	688	14 372
Family reunification	735	883	2 954	3 618	5 318	563	14 071
Monitoring visits	390	401	1 797	3 742	5 491	307	12 128

Source: PNLRF — Ministry of Social Assistance and Reintegration.

Table 5
Children 5-14 years old according to type of work they do

	Work outside the home										
	Compensated		*Not compensated*		*Domestic chores*		*Family business*		*Total all work*		
	Any domestic chores	*Child labour*	*Any work*	*Child labour*	*Any work*	*Child labour**	*Any work*	*Child labour*	*Any work*	*Child labour*	*Number of children 5-14 years old*
Angola	1.3	0.7	5.6	3.3	75.8	2.5	23.2	16.1	28.7	20.4	16 548
Area of residence											
Urban	0.9	0.4	4.3	2.1	71.6	1.0	14.5	7.7	19.5	10.6	8 644
Rural	1.7	1.1	7.0	4.6	80.7	4.4	33.4	25.7	39.6	31.8	7 904

Source: Integrated Survey of the People's Well-Being (2008-2009 IBEP).

38. In the period from 2004 to 2007, twenty-nine (29) cases of abduction were recorded involving ten (10) offenders of both sexes, five (5) of whom were detained, one (1) who died shortly after being identified, and four (4) whose whereabouts were unknown, with the following background:

(a) Abducted from Angola and taken to the Democratic Republic of the Congo (DRC): two (2) female children, one found by the Migration and Alien Department (SME) of the National Police (PN) of Angola and transported to Mbanza Kongo, Angola, and admitted to the Centro Santa; another one was found by the Network for the Protection and Promotion of the Rights of Children and transported to Luanda, where she was returned to her family;

(b) Abducted from Angola, discovered and prevented from being transported to the border: a total of ten (10) as follows: seven (7) reunited with their respective families; and three (3) admitted to the Centro Santa in Mbanza Kongo;

(c) Abducted from the DRC and prevented from being transported to the city of Mbanza Kongo: sixteen (16) children both sexes as follows: six (6) were admitted to the Centro Santa where they waited until their families were located; and ten (10) were returned to their country of origin by the INAC in cooperation with the SME and returned to their families.

39. Regarding information on activities of sexual or pornographic exploitation in tourism in Angola, it is assumed that these activities are being carried out discreetly under cover of other activities. This assumption was the reason why a preventive measure was taken. The result was the adoption of the Code of Conduct for Tourism and Hospitality in 2010.

40. According to a reference made at the end of Chapter I of this report, there is little or nothing to offer in terms of data on cases of sales of children in Angola. In this regard, reference is made to citations of news on social pages that show photos of persons who are apparently minors under 18 years of age.[2]

41. In the informal markets of Luanda, frequently populated by merchants who are citizens of the Democratic Republic of the Congo, or related to them, CDs and videos that contain films with pornographic content are sold openly. The Police Department periodically conducts operations to intercept and destroy the CDs and videos and investigates perpetrators and holds them accountable.

III. General measures for application

42. Orphan status, abandonment and separation are treated with special measures in many cases and depending on the situation in which they are found. These cases include family reunification and placement in institutions (guardian mothers, adoptive families, homes, and shelters and adoption).

43. Since the purpose is to meet the objectives of the Protocol, the State of Angola has adopted measures that guarantee the effective protection of children against abduction, trafficking, sale and the sexual exploitation of children and child pornography.

44. For family reunification and placement in institutions, there is the Family Location Program (PNLRF), with the mission of locating parents and other closer relatives, identifying families that are in a position to serve as guardians for children, creating conditions and reuniting children with their parents, promoting placements in adoptive families and providing support to the family where the child is reintegrated or placed.

45. There are guarantees in the CRA on adopting children that require special protection.[3] Articles 35 and 80 establish guidelines so that all procedures are carried out with special attention to the principle of the child's supreme interest. In this regard, the family is recognized as the fundamental core of the organization of society. It receives special protection from the State, whether based on marriage or a consensual union between a man and a woman — an institution in which children are to grow up and develop with equal rights. With this in mind, constitutional foresight is supplemented with the State's duty to provide special protection for orphaned children and children that are disabled or abandoned, or deprived in any way of a normal family environment. The adoption of these children is regulated to promote their integration into a sound family environment and to ensure that they develop fully.

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[2] (a) Prostitution increases in Angola among all social classes, 06_Nov_2011 and 25 Oct 2013 (www.circuloangolano.com);

(b) Children and adolescents in prostitution in Luanda, 14-07-2011(www.rna.ao);

(c) China and Angola dismantle a prostitution ring, 17 November 2011 (pastoraldamulherbh.blogspot.com);

d) Adolescents in the underworld of prostitution in Angola, 14 May 2012 (pastoraldamulherbh.blogspot.com).

[3] CRA — Constitution of the Republic of Angola.

46. These constitutional precepts are the basis of the measures that have been adopted to implement the Protocol based on the various normative statutes and/or based on which specific and concrete plans, strategies, programs or projects are carried out. We propose to address them individually in this report.

47. In view of Angola's current situation, the government sought to grasp the dimension and impact of the phenomenon. The government organized and held the National Meeting against Commercial Sexual Exploitation that found that the phenomenon was growing in 1997. It decided to draft and enact, in 1999, the National Plan for Action and Intervention against the Commercial Sexual Exploitation of Children through Resolution No. 24/99, with the following purposes:

- To ensure health as everyone's right and the duty of the State. Prevent, protect, recover and reduce risks and indices of diseases and other situations that adversely affect children's health;
- To provide education;
- To provide for, guarantee and defend the rights of victims;
- To combat and hold abusers, offenders and exploiters accountable;
- To inform adult women and make them aware of practices that are harmful to and discriminate against young women;
- To rehabilitate and prevent the exclusion of children who are victims of sexual abuse and exploitation; and
- To defend the rights of children, guarantee them, comply with them and make them efficient.

48. Since abduction and trafficking are events that are violent by their concept, the strategy that the government is adopting, with support from UNICEF, is a priority in implementing the programmes to which they belong. There will be major partnerships, such as the WHO, ILO, ONG — Terre des Hommes, etc. Regional research, already planned, will precede these actions.

49. Furthermore, it cannot be said that Angola is a country with a high rate of origin, transition or destination of human trafficking.

3.1 Mechanisms for implementing the Protocol

50. The ministerial departments and other government institutions, as the key entities responsible for implementing the Protocol, are the bodies that comprise the mechanisms for the integration, coordination and articulation of activities among them and with the relevant provincial and local authorities, as well as with civil society, including the business sector, the media and educational institutions, in particular at the following levels:

3.1.1 Institutional level

51. At this level, the mechanism consists of the following:

(a) ***National Children's Institute (INAC)***. In general, its duties are to ensure that government policies are implemented at the national level in the areas of advocacy, investigation and social protection of children. These are general duties that break down into 25 specific duties and pertain to awareness, coordination, articulation, promotion, stimulation and collaboration;

(b) ***The Ministry of Education***, as the entity in charge of the national education and teaching system polices, is the valid contact point for addressing issues related to the

promotion of children's rights in the areas of academic training, civic, moral and patriotic education of the youngest, and preventing and fighting violence against children, since schools, teachers and students are considered the second home and second family for every child;

(c) ***The Ministry of Health*** implements the policies of the National Health System for matters that pertain to maternal-child programmes, disease prevention by immunization and educational, health and nutritional care, and medical interventions, among others, always keeping the rights of children in mind;

(d) ***The Ministry of Justice and Human Rights*** ensures the effectiveness of the policies of the National Justice System, including registries, notary offices and civil courts at every level, the juvenile justice system as part of the jurisdiction of minors, and human rights policy. The Ministry is definitely a key point of contact in the protection of children's rights;

(e) ***The Ministry of the Family and Women's Empowerment***, which is responsible for family policies, intervenes considerably in promoting gender balance, preventing and fighting domestic violence, and alleviating poverty;

(f) ***The Ministry of Youth and Sports***, as the policies assigned to it have a great effect and impact on the physical and mental development of children;

(g) ***The Ministry of the Interior***, which plays a very important role in protecting children from all acts of violence against children in any institution where they occur or where there is a propensity for such acts to occur;

(h) The Ministry of Public Administration, Labour and Social Security, which is in charge of determining and implementing policies on the following regimes: social security, social action, employment, vocational training and labour relations and conditions.

3.1.2 Participatory integration

52. Here we find the different mechanisms created on a permanent or ad hoc basis to respond to specific situations, with a well-defined structure. They are established by means of an order, decree or resolution of the entities. Therefore, it is important to mention a few of them here:

(a) The Commission to Reform Justice and the Law, which performs extremely important work to ensure that the national legislation complies with the precepts of international treaties on similar matters. There have been success stories, especially the Constitution of Angola;

(b) The Intersectoral Commission for the Preparation of National Reports on Human Rights (CIERDH), whose mission also covers the rights of the child; this report attests to this;

(c) The National Commission to Fight Cholera, coordinated by the Ministry of Health, which monitors on a weekly basis issues that involve the virus, such as the health oversight system, laboratory testing, community education for the correct use of water, etc.;

(d) The National Commission to Fight AIDS which, given the impact of the pandemic on families, and infected and affected children especially, fights the discrimination against them that still exists in society.

3.1.3 Linking and Interaction

53. Linking actions at the most different levels of intervention among similar institutions with similar objectives in the area of children's issues, and motivating

interaction among different stakeholders to find a consensus or solutions that contribute to improving required services to everyone, are precepts in all international treaties that include the Protocol. This is why the mechanisms created at this level are important. They are:

(a) ***The Provincial Human Rights Committees***, overseen by the Ministry of Justice and Human Rights to conduct an on-going dialogue with citizens on this issue, to interact locally as multisectoral institutions that also include civil society, and to establish on-going contacts with the central entities;

(b) ***Networks to Protect and Promote the Rights of Children*** are institutions created at the provincial, municipal, communal and local levels to prevent and respond to situations of violence against children in the communities;

(c) ***Friends of Children Centers***, created in some schools, are now being strengthened and expanded, with the mission of disseminating children's rights to students and to lead them to practice good deeds.

3.1.4 Advisory level

54. At this level we present two mechanisms that are fundamental for the purposes for which they were created, directly or indirectly. They perform national dialogue functions on a series of thematic subjects that dominate the situation of children. They arrive at a consensus that is able to influence important decisions positively. They are the National Councils of the Family and Children.

(a) ***The National Council of the Family*** is an advisory body of the Ministry of the Family and Women's Empowerment. It makes its decisions in periodic public policy meetings intended for families with children;

(b) ***The National Children's Council*** (CNAC)[4] was established by Decree No. 20/07 of 20 April and is regulated by Decree No. 21/07 of 20 April.[5] According to Article 1 of Decree No. 20/07 of 20 April, this is a body for social dialogue and monitoring and supervision of the implementation of policies that promote and defend the rights of children. Basically, it carries out these duties by monitoring and evaluating programmes implemented under the 11 commitments.[6]

3.2 Budget for implementing the Protocol

55. The system and methodology used to prepare and manage the General State Budget (OGE) does not provide clear indications of the programs and amounts intended solely for implementing international human rights treaties. The programs have many purposes and cover different objectives simultaneously, and many are covered indirectly, in the areas of advocacy, prevention, protection and intervention.

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[4] The CNAC has the following authority: to propose measures and harmonize sectoral proposals of policies for the protection and development of children; to articulate and promote synergies between public entities and civil society organizations that work for children in an attempt to arrive at a consensus; issue opinions and make recommendations on the fundamental objectives, etc.

[5] Both published in the Official Gazette, Series No. 48 of 20 April 2007.

[6] The 11 Commitments of the Government, United Nations Systems and Social Partners, have covered the non-existent National Action Plan in the area of children and the following areas: children from 0 to 5 years old; children from 6 to 18 years old; the child as a whole [da criança toda]; the sustainability of successes.

Table 6

Budget allocations for advocacy programs

Programme	*Annual amount*	
	2014	*2015*
Awareness and dissemination programmes	100 000 000.00	4 559 120 232.00
Awareness and dissemination programmes for media libraries	8 880 000.00	9 045 041.00
National Commission for the ILO	45 650 000.00	45 650 000.00
Duties of the National Intersectoral Commission for the Preparation of Human Rights Reports	44 142 576.00	19 776 886.00
Prevention and Punishment of Human Trafficking and Education for Tourism		78 588 799.00
Dissemination of the 11 commitments for children	48 340 000.00	55 810 497.00
Establishment of the SOS Child Alert System	19 305 976.00	19 305 976.00
Production of Gigui cartoons	58 000 000.00	104 460 829.00
Total	**125 645 976.00**	**4 891 758 260.00**

Table 7

Budget allocations for prevention programmes

Programme	*Annual amount*	
	2014	*2015*
Public Security Guarantee Prog. and for the Integrity and Control of National Borders	96 979 500.00	1 059 231 570.00
Project to add names to the Civil Register	10 631 901 502.00	4 754 594 254.00
Programme to Promote Family and Improve Family Skills	4 780 427.00	
Community Development Programme	707 293 300.00	50 000 000.00
Family Agriculture Development Programme	976 000 002.00	
Program to Promote the Family and Improve Family Living Conditions	200 000 000.00	
Food and Nutrition Security Programme	815 750 000.00	
Program for Integrated Rural Development and Poverty Alleviation	32 910 865 445.00	23 971 043 870.00
Prevention and Punishment for Human Trafficking		21 268 607.00
Implementation of the "Kikuxi" Social Card in the 18 provinces	2 400 000 000.00	2 280 000 000.00
Minimum Income Programme for Persons in At-Risk Situations	200 000 000.00	170 000 000.00
Programme for the Resettlement of the People	246 599 693.00	246 599 693.00
Repatriation Programme	1 443 002 760.00	1 443 002 760.00
Promotion of Women and Harmonious Family Development	449 932 237.00	852 321 293.00
Redevelopment of Rural Villages	200 682 424.00	235 000 000.00
Family Promotion and Improving Family Skills	31 454 476.00	797 868 494.00
Total	**51 315 241 766.00**	**35 880 930 541.00**

Table 8
Budget allocation for protection programmes

Programme	*Annual amount*	
	2014	*2015*
Shelters for Children and the Elderly	1 036 120 040.00	2 664 969 160.00
Action Programme for Children from and in the Streets	6 400 254.00	
Social Integration for Socially Marginalized Persons	4 615 081.00	
Family Location Programme	29 080 076.00	
Guardian Mother Support Project	9 407 828.00	
Programme to Protect and Promote Children's Rights	7 750 000.00	208 439 631.00
Guardian Mother Project	39 210 301.00	
Implementation of the SOS Child Alert System		19 305 976.00
Total	**1 132 583 580.00**	**2 892 714 767.00**

Table 9
Budget allocations for intervention programmes

Programme	*Annual amount*	
	2014	*2015*
Revitalization of Municipal Health Services	886 652 627.00	61 840 994.00
Administration and Management of Social Assistance Services	2 537 847 263.00	104 328 000.00
Food Assistance for Persons in Need and in Vulnerable Situations	376 057 840.00	
Improvement of Family Housing Conditions	183 941 398.00	
Provision of Social Assistance Services	241 258 331.00	2 246 103 557.00
Community-based Rehabilitation Programme	25 620 100.00	25 620 100.00
Economic and Productive Structuring Programme of Rural Communities	96 206 200.00	
Programme for the Promotion of Rural Women	759 634 101.00	14 904 000.00
Programme to Support Victims of Violence	350 000 200.00	107 500 397.00
Community Development Programme	3 157 124 620.00	2 096 389 667.00
Programme to Provide Health Care	15 989 822 887.00	46 119 660 641.00
Administration and Management of Children's Centers	428 874 125.00	558 381 859.00
Provision of Social Assistance	419 505 663.00	376 029 835.00
Social Assistance Services to Families and Vulnerable Persons	73 822 792.00	258 000 000.00
Literacy Programme	4 228 193 969.00	2 915 351 661.00
Total	**29 754 562 116.00**	**54 884 110 711.00**

Table 10
Support in the context of cooperation with civil society

Type of support	*Annual amount*	
	2014	*2015*
Financial Support to Public-Interest Associations	1 716 447 092.00	621 852 584.00
Support for the Youth and Student Association Movement	80 000 000.00	50 000 000.00
Support for the National Youth Council	90 000 000.00	120 000 000.00
Total	**1 886 447 092.00**	**791 852 584.00**

3.3 Comprehensive strategy to eliminate the sale and trafficking of children, child prostitution and child pornography and to protect victims

56. In general, all policies, programmes and actions to implement the international human rights treaties of which Angola is a member, and in particular the Convention on the Rights of the Child and its Additional Protocols, are carried out under the National Development Program (2013-2017 PND). To this end, we highlight those that contribute most directly to this goal.

3.3.1 Experience in the South region of Angola

57. The State's strategy to eliminate the sale and trafficking of children, child prostitution and child pornography and to protect victims is in a set of national plans approved by the Executive Branch of Angola to improve and strengthen its efforts to implement the international human rights treaties and the Protocol in particular.

58. In 2003, with support from UNICEF-Angola, the government sought to research patterns of child trafficking and began to prepare national strategies to implement measures to prevent travel by children abroad without oversight by the competent entities. As a result, an action plan was adopted for the Huila Region (Matala) and Cunene (Santa Clara). These are border localities where situations of child labour were found, as well as cross-border trafficking of children, child prostitution and child pornography. There is a national component to prevent the trafficking of children.

59. As the entities involved continued to implement the above-mentioned plan, there was an evaluation of the plan in September 2004, and ad hoc measures were taken based on lessons learned.

3.3.2 Strategy to Prevent and Fight Violence against Children in Angola

60. With highly successful experiences in Matala and Santa Clara, and with the creation of the networks, a National Strategy to Prevent and Fight Violence against Children was developed. The general objective is to identify areas and priorities for intervention, set up coordination mechanisms to adopt policies, set objectives and goals, and carry out programmes that contribute to preventing and fighting various forms and manifestations of violence against children in Angola. This was done in an articulated and sustainable manner based on the following actions:

(a) Identify and control the main manifestations and incidences of violence against children in each of the thematic intervention areas;

(b) Carry out programmes to make society aware of the negative effects of violence against children and create a culture of reporting in individuals, groups and communities;

(c) Identify short, medium and long-term intervention priorities, keeping in mind the mandate and responsibilities of the various State entities;

(d) Approve existing coordination and articulation mechanisms, including civil society institutions;

(e) Create and implement a system to monitor and evaluate the situation in order to carry out communication, awareness and social mobilization activities.

61. To achieve the recommended objectives, strategic pillars were identified as cross-cutting themes that encompass all areas of intervention that guide the actions identified in the National Strategic Plan.

62. The strategy is being carried out under commitment No. 8 of the set of 11 commitments made by the government, the United Nations System and civil society and in the following strategic pillars and intervention areas:

(a) Strategic pillars

(1) Situational Analysis;

(2) Prevention;

(3) Mobilization, Articulation and Communication;

(4) Advocacy and Accountability;

(5) Response and Protection;

(6) Child Participation.

(b) Thematic Intervention Areas

(1) Violence in the family and social context (neglect, abuse, physical and emotional violence, discrimination and accusation of witchcraft);

(2) Sexual exploitation of children and youths;

(3) Child trafficking;

(4) Exploitation of child labour;

(5) Instrumentalisation of children for organized crime, trafficking and drug use.

3.3.3 Other strategies, plans, programmes and actions

63. Due to the importance and cross-cutting nature of the Strategy to Prevent and Fight Violence against Children, other programmes were developed or incorporated into other strategies and actions in order to implement them. They are:

1. The National Children's Observatory is a project that is part of the statutory duties of the National Children's Institute. It clearly identifies the main lines of actions, systems and instruments to be developed to facilitate its mission of collecting and managing information about children. This information is added on an on-going basis to the System of Indicators for the Children of Angola (SICA); it disseminates the policies of the Executive Branch of Angola in the context of the National Strategy to Prevent and Fight Violence against Children and to advocate for the interests of the children of Angola based on proof and children's rights;

2. The National Children's Fund, whose specific purpose is to raise funds from different sources to finance activities that are carried out to observe the principle of

the child's supreme interest, serves as the reliable depository of donations from the non-government sector;

3. The "SOS - Criança Help Line" is a reporting service that uses a toll-free telephone line for children that are at risk or are victims of any violation of their rights;

4. The Action and Intervention Plan against the Commercial Sexual Exploitation of Children, approved by the Council of Ministers via Resolution No. 24/99 of 20 October, has the following objectives among others: ensure the rights of victims of abuse, ill-treatment and violence and ensure that they are able to effectively exercise rights and give them opportunities for a dignified life; hold exploiters, abusers and offenders legally liable by uncovering facts and enforcing the law in order to dismantle or weaken exploitation "networks," and consequently to eliminate impunity;

5. The National Strategy to Fight Poverty, whose general objective is to strengthen peace and national unity through the sustained improvement of living conditions of the neediest and most vulnerable citizens of Angola and to motivate them to play an active role in the economic and social development process.

6. The National Food and Nutrition Security Strategy contributes to ensuring that all Angolans have food available to them at all times and in adequate quantities and variety, as well as physical and economic access to this food. This enables them to contribute to the human, economic and social development of Angola.

7. The Court for Minors, which provides legal protection for children under its jurisdiction to defend their rights and interests and to provide the legal protection to which they are entitled under the law by implementing protective measures of surveillance, assistance and education. The Court for Minors was established by Law No. 9/96 and includes other related entities and complementary services to protect children's rights more efficiently.

3.4 Contribution of civil society to activities to eliminate the sale of children, child prostitution and the use of children for pornography

64. Based on Article 21 of the Constitution of the Republic of Angola, the State is required to ensure and give incentives so that citizens and civil society take part in solving national problems during the entire process of implementing treaties on the human rights of children in Angola. Many institutions from civil society intervene, including civic and philanthropic associations, non-governmental organizations, public and private companies, churches or religious institutions, because they are considered:

(a) Forums for citizens to participate in the activities of the respective communities to which they belong, for social learning and protecting common interests and values based on the law that assists them in doing so;

(b) Forums for promoting special rights, in the case of children.

65. Civil society plays an extremely important role by contributing significantly to learning about the situation, disseminating human rights to make citizens aware and to cultivate in them benefits, to promote protection and to defend citizens, and to carry out social participation activities.

66. The organization of civil society institutions in Angola began to take shape in the 1980's. In 2003, its activities were dominated by humanitarian assistance, primarily from international organizations, due to the context. Diversification came afterwards and

activities ranged from the provision of services to social transformation, in which national organizations with different profiles are predominant.

67. Some organizational and functional constraints remain, including relationships with institutions of civil society among themselves and at times with the State. Nonetheless, in Angola there are many civil society organizations that operate in different areas including children's rights and in particular health, education, literacy, agriculture, micro-enterprises, human rights, civic education, HIV and AIDS, etc. (see annex).

3.5 Role of the defender of children or similar public autonomous institutions for defending and enforcing the rights of children

68. The System for the Protection and Promotion of Human Rights in Angola is constantly changing, both from the standpoint of its structure and organization and with regard to its operation as a system to respond to situations that require a response. The system has received special attention from the Executive Branch in Angola, in particular in terms of the legislative and organizational aspect to strengthen and consolidate it. Much has been done and serious thought is being given to the system. Many activities have been carried out, including the relationship with the National Human Rights Institution (NHRI).

69. In various reports submitted to the entities of the respective treaties and even in the context of the Periodic Universal Revision (UPR), on occasion it was stated that the role of defender of children is played by the Ombudsman, an independent public entity created by Law No. 4/06 of 28 April.[7] Article 30 No. 2 includes the mandate to monitor the implementation of international human rights instruments. In particular, the African Charter on the Rights and Welfare of the Child, through informal means, ensures justice and the legality of the public administration with the objective of defending the rights, freedoms and guarantees of citizens. Through informal means, it ensures justice and the legality of public institutions.

70. Actually, its status has been questioned and it is considered necessary to revise it in accordance with the Paris Principles, or at least a new National Human Rights Institution should be established. In this regard, the possibility of establishing this important system as an essential partner of the government in addressing issues of promoting and protecting human rights is being studied.

71. In the meantime, in addition to the Ombudsman that will play this role, there are the 10th Commission on Human Rights, Petitions, Complaints and Suggestions from Citizens, governed by the Organic Law on the Operation of the Legislative Process of the National Assembly (Law 5/10 of 6 April), Articles 67.1 and 76, and by the Organic Law on the By-Laws of the National Assembly (Law 13/12 of 2 May). There are also other independent institutions of civil society, namely:

(a) The Order of Attorneys of Angola, through its Commission on Human Rights and Access to Justice;

(b) Specialized courts, including the Constitutional Court;

(c) Other organizations of civil society that work in the area of human rights.

IV. Prevention (Article 9, No. 1 and 2)

72. It should once again be noted that Angola places great importance on the implementation of the Optional Protocol. The ability of its system for protecting and

[7] Law on the Status of the Ombudsman.

promoting the rights of the child must be strengthened and preparedness and operations must be improved. It should be made efficient and effective in terms of detecting cases. Here we will describe some of the measures and mechanisms that pertain to prevention.

(a) ***The Migration and Aliens Unit*** is the entity with the authority to promote and coordinate the implementation of measures and actions that are part of the transit, entry, stay, residence and departure of aliens in Angola, to oversee the movement of persons at the land, sea, air and river border posts, to issue and control national passports that are given to citizens and domestic and foreign businesses, and to provide a broad range of services;

(i) Provision of services:

- In ports, to domestic and foreign vessels. This includes permission for on-board inspections, issuing visit and stay permits, border crossing papers and embarkation/disembarkation papers for crews;
- Migratory services for foreign long-haul foreign vessels such as fishing vessels; domestic long-haul cabotage vessels and fishing-type vessels;
- Embarking and disembarking permission for crews;
- Family reunification of aliens on Angolan soil, family members of a citizen residing in the Republic of Angola in which the applicant is required to submit a document that proves that the person is a dependent in the country in which the application is made; certificate of marriage for married couples; birth certificate for minors, parents and children who have reached the age of majority and that are economically dependent on the head of household, as well as disabled persons and minors for whom they are legally responsible. Applicants must have housing and means of subsistence to exercise the right of family reunification.

(ii) To register with the Migration and Aliens Department a minor of alien parents who was born pursuant to No. 3 of Article 93 of Law No. 2/07 of 31 August, the parents must submit the following documentation to the Central Registry Office:

- A duly completed minor registration form;
- A photocopy of the ID card or other identification document of the minor;
- Two recent photos, minor child permit type, 4x5 cm, in colour on a white background.

(b) The main responsibilities of the ***Criminal Investigation Service (SIC)*** are to assist the enforcement authorities in administering justice under the terms of the law. This includes: conducting a preparatory inquiry of criminal proceedings for all cases over which it has jurisdiction; determine the potential for crime based on its degree of social danger; investigate and find perpetrators of crimes; analyse the reasons that create crime and their consequences; and propose measures to prevent and punish crime; there should be detentions as well as searches of suspects, and searches and seizures of items used to carry out illegal criminal acts. Money laundering and related offenses should be prevented and punished, as well as crimes that involve information this is technical or economic-financial in nature;

(c) The ***Anonymous reporting page of the National Police web site***, http://www.cgpn.gov.ao. This site has information available with numbers to place *telephone calls for emergencies*, anonymous reports for *typing reports or complaint data*, and complete lists of *wanted* and *missing persons*;

(d) The ***Networks for the Protection and Promotion of the Rights of the Child in Angola*** were set up in early 2005, following the phenomenon of children accused of

witchcraft in Nbanza Kondo, the capital of the Province of Zaire. This occurred in the late 1990s due to the transformation of family units and the significance of parenting relations, changes in matrilineal relations and the consequences thereof on care for orphaned children.

73. The Committee for the Protection of the Child includes representatives of government institutions and civil society, traditional authorities, representatives of religious sects, healers and individuals who are members of the families concerned. Due to acts of violence perpetrated against children, the government performed a study with UNICEF support from November 2005 to March 2006. The study was based on a finding or real evidence and it broke the silence that existed for the belief that witchcraft was an ancestral practice rooted in millennium-old customs of the people of Angola. However, in truth, this phenomenon began in the late 1990s with no historical precedents in the traditions of the people of Angola. After being accused, minors continue to be victims of discrimination and stigmatization, making it difficult for them to integrate fully into community and family life, thereby creating a situation of double victimization.

74. Based on the knowledge obtained from the study, work was begun to establish and strengthen the Network for the Protection and Promotion of the Rights of the Child in all provinces and municipalities of Angola and later in community localities most susceptible to acts of violence. The purpose was to link the activities of the institutions that carry them out, namely the government, civil society, religious sects and other individual groups, to conduct awareness and social mobilization activities, counsel families and report cases of serious violations of the rights of the child.

(a) Cooperation with United Nations System Agencies, namely:

- UNICEF, with which the government established a cooperation agreement in the areas of the protection of children, food security and nutrition in Angola, health, water and rapid evaluation of family shelters (June 2002);
- ILO, the Cooperation Protocol with the government of Angola in 2007 to fight child labour, in which Angola is responsible for effective cooperation among all ministries and government institutions in relevant areas to eliminate child labour;
- With the OIM, the Assisted Voluntary Return Programme (AVR). Since 2003, this programme has provided a broad range of services to Angolans who wish to return to their native land voluntarily. At first Angola hosts and supports persons who return to Angola with the main goal of providing assistance to both governments and migrants to find dignified solutions to the challenges of migration based on the sovereignty of the host governments and in relation to the periods of tolerance for people whose applications for asylum were rejected. The AVR programme also includes the possibility of reunifying of Angolans who wish to be reunited with their own relatives, either in Angola or another country in the world. This is being done in cooperation with the Ministry of Social Assistance and Reintegration (MINARS), the National Social Assistance and Protection Directorate (DNAPS), the National Children's Institute (INAC) and the Family Court for the Reintegration of Minors.
- As part of the WHO Country Cooperation Strategy for 2009 to 2013, Angola participates in the following: Health Planning; Health Plan; Health Priorities; the Health Level; and International Cooperation;
- Measures taken by different ministries and other government institutions. In addition to the functions described above, they implement specific measures for children who are victims of trafficking, exploitation, and they are

specially equipped to address this issue. They respond to children at risk when accompanied by their mothers, when situations in which unaccompanied children are identified and when they are classified as being in danger, under the Law on the Protection and Full Development of the Child (Law No. 25/12).

V. Prohibition of related cases (Articles 3, No. 2 and 3, 4, No. 5, 6 and 7)

75. The Penal Code of Angola provides:

- Anyone who, by any means, threatens another person, commits a crime against the physical integrity, personal freedom, violence based on gender or against patrimonial nature of goods in accordance with subparagraph a) of Article 377 in order to persuade them not commit such acts punishable under imprisonment of up to one year or fine payment up to 120 days. Death threats are punished with a prison term of six months to two years;
- Anyone who, by means of violence or threat to produce major harm, forces another person to take an action or omission or to support an activity, is punished with a prison term of up to three years or a penalty of up to 360 days;
- Anyone who arrests, detains, holds or detained a person or who in any way deprives a person of their freedom is punished by a prison term of six months to three years or a penalty of up to 360 days. Imprisonment is mandatory if the crime is committed under the false pretences that the victim suffered from a psychological abnormality or if it is committed against a person who is defenceless due to age, physical or psychological handicap, illness or pregnancy;
- Anyone who by means of violence, threat or trickery, abducts another person and transfers the person from one location to another with the intent to: subject the person to slavery; subject the person to extortion; commit a crime of violence based on gender ; or take a hostage or obtain a ransom, is punished by a prison term of one to five years. The prison term is from two to ten, two to 12 or five to 14 years if any of the situations described respectively in No. 2, 3 or 4 of Article 163 occur;
- Anyone who reduces another person to the status of an individual over whom they exercise complete or partial powers inherent in the right of ownership is punished with a prison term of seven to 15 years. Anyone who commits the same crime is punished with the same penalty if they sell, convey, acquire or take power over a person for the purpose of keeping the person in the state or conditions that were described. Moreover, anyone who purchases or sells minor children under 14 years of age for adoption or, for the same purpose, serves as an intermediary in negotiations or in the same or a similar transaction, is punished with a prison term of one to five years;
- Anyone who is a physician or legally authorized person who carries out medical procedures or treatment without the patient's consent is punished with a prison term of up to three years or a penalty of up to 360 days. The act is not punished if consent: cannot be obtained or renewed without a delay that places the patient's life at risk or that involves a serious danger to the patient's body or health; is given for a certain procedure or treatment and becomes a different procedure or treatment when it is considered, in accordance with medical knowledge and experience, that it is the appropriate method to prevent a serious danger to the patient's life, body or health.

However, it is punishable if circumstances occur that make it possible to safely conclude that the patient would have refused consent.

76. As can be seen, even though the Penal Code of Angola is being revised, its precepts on protecting children and penalizing anyone who in one way or another puts their physical integrity at risk or violates their supreme interest, which is a right enshrined in the law, are consistent with international human rights instruments and with the Optional Protocol in particular.

77. To provide greater protection to children who are inclined to commit acts that could result in prohibited situations under the Protocol and the law, legislators noted the Family Code, which includes legal and normative statutes to be observed regarding the adoption of children by citizens of Angola or aliens, found in 70 Articles 197 to 2004 respectively, for the following:

(a) The purpose of the adoption is the social, moral and emotional protection of the minor, which establishes a parental relationship between the adoptee and the adoptor that is the same as the one between children and parents;

(b) The adoptor must meet various cumulative requirements;

(c) The adoptee must be at least 18 years old and one of the following conditions must be met: be a child of unknown or deceased parents; be abandoned or not turned over to a public assistance establishment. A minor is considered abandoned when the parents and other relatives have shown that they are obviously uninterested in performing their duties for a period of more than one year;

(d) Minors whose natural parents consent to adoption may also be adopted;

(e) Once adoption occurs, the natural parent cannot declare a parental relationship;

(f) Minors over ten years old may not be adopted without their consent;

(g) Minors who are citizens of Angola may not be adopted by foreign citizens without the authorization of the National Assembly.

78. Regarding extradition and expulsion, Article 70 of the CRA provides that citizens of Angola cannot be expelled from Angolan soil or extradited, and foreign citizens cannot be extradited for political reasons or acts for which the death sentence can be invoked. The reason for this is that an extradited person can be subject to torture, inhumane or cruel treatment, or treatment that causes irreversible damage to physical integrity according to the law of the requesting State.

79. According to the Law on the Legal Regime for Aliens in the Republic of Angola (Law No. 2/07 of 31 August), a citizen of a foreign country who resides or is present in the Republic of Angola enjoys the same rights and guarantees and is subject to the same duties as citizens of Angola, except for political and other rights and duties that are expressly reserved by law for citizens of Angola. Foreign citizens are admitted to Angola under refugee circumstances. Above and beyond the duties required of them by international law, they are also required to comply with domestic legislation on these matters. Thus, it is understood that the law accepts that the departure of a foreign citizen from Angola may be voluntary or compulsory based on the interest of internal order and national security. Compulsory departure may occur by giving notice to a person leave the location if the person is an in illegal migration situation or by expulsion, notwithstanding the international agreements or conventions of which the Republic of Angola is a member, if the foreign citizen has committed acts among others that are known by the Angolan authorities and that would have prevented that person from entering Angola.

80. Regarding extradition, Angola has established mutually beneficial Cooperation Protocols with the Republic of Portugal and the Federative Republic of Brazil.

81. Angola's concern over the phenomenon of abduction, sale, sexual exploitation of children, child pornography and labour by minors, associated with the broader concept of violence against children, has always been the focus of attention since the mid-1980s. There have been many stages of analysis, and generic and ad hoc measures have been adopted, some with measurable results that were considered satisfactory. Others have not generated many results or have not been considered very satisfactory. This was due to many conflicting situations that resulted in constraints and difficulties of alarming proportions. These factors were the reason that new legislative and administrative measures were taken. We make special note for this purpose of the promulgation of the Law on the Total Protection and Development of the Child (Law 25/12). Article 7 addresses prohibited treatments and provides that children are not to be neglected or treated in a discriminatory, violent or cruel manner, nor are they to be exploited in any way or oppressed. Anyone whose behaviour breaches these prohibitions is punished by the laws.

82. Regarding protection from abduction and abuse, the law assigns the State the duty to adopt special legislative and administrative measures to prevent and punish the abduction, sale and trafficking of children, regardless of its objective or form. The State must ensure that the measures are enforced effectively and must protect children against forms of abuse and sexual exploitation. Namely, the State must prevent:

(a) Children from being encouraged or coerced to engage in sexual activity by parents, guardians, host families, legal representatives or third parties;

(b) Exploitation of children in prostitution activities or similar practices;

(c) Exploitation of children in pornographic shows or activities;

(d) The use of children in acts of paedophilia.

VI. Protection of victims' rights (Articles 8 and 9, No. 3 and 4)

83. Children are cared for through a series of actions that are linked between the appropriate public entities and duly authorized private institutions as indicated in point 3.1 of this report and in accordance with Article 39 of Law 25/12 which, notwithstanding the establishment of other statutes, provides care through measures of: guidance and socio-family support; socio-educational support in an open regime; family integration; hosting in protective institutions that focus heavily on the lives of children. Priority is to be given to protective measures that allow children to continue to live with their biological family or an adoptive family.

84. Furthermore, the law ensures that the time a child remains in a shelter should always be as brief as possible. The family should be strengthened so that it is able to have the child return to their home and prevent recurrences. However, decisions that remove children from their families should be reviewed periodically and children should be returned to parental care as soon as the reasons for removing them are resolved or eliminated. Thus, to effectively protect children and guarantee their rights, the institutions and entities that work to host children should:

(a) Preserve the connections, relationships, name, nationality and socio-cultural identity of the child;

(b) Ensure that siblings are not separated unless there is a clear danger of abuse or other worthy justification, taking the child's supreme interest into account;

(c) When it is not possible to keep siblings together, they should have the opportunity to remain in contact with each other, except when contrary to their wishes;

(d) Ensure that the child has knowledge and access to information about the situation of their relatives;

(e) Whenever possible, place children in a location close to their place of residence, unless doing so is in conflict with the child's supreme interest;

(f) Ensure that the child has access to educational, cultural and recreational activities;

(g) Avoid transferring the child to other shelters;

(h) Prepare the child for an independent and self-sustainable life;

(i) Promote community involvement in hosting activities;

(j) Have the child take part in local community activities.

85. Angola is also experiencing great difficulties in determining the age of potential victims that have no identification documents to support the investigation of offenses in the Protocol when a child appears to be under 18 years old. This is the case despite great efforts because there are few specialists and working resources for meeting demand are insufficient. Notwithstanding the situation, 90% of cases are processed in terms of providing services for victims, treating injuries and preparing medical reports with all the information necessary to assist or facilitate the resolution of some cases and to determine severity or uncertain ages.

86. To improve services in this area, the Executive Branch of Angola is conducting a process of hiring applicants to study forensic medicine. This has resulted in training a group of Angolans with master's degrees who teach in Angola to train other specialists in this area. This effort, plus the project to establish a High Institute of Forensic Medicine and Sciences, will surely create conditions that will provide improve the situation in Angola.

87. To obtain some knowledge more in line with the current situation, a survey was conducted in 2006 by the Ministry of the Family and Women's Empowerment and the National Children's Institute with support from UNICEF, the UNDP, UN Women and the UNFPA. It studied 750 children, including 410 girls in nine municipalities of the Province of Luanda. It covered urban, suburban and rural areas and obtained the following results:

(a) Roughly three-quarters of the children (girls) interviewed, or 78% of those between 14 and 18 years old, suffered physical, psychological or sexual violence, including teenage pregnancy as a result;

(b) School-age children between 12 and 17 years old, inside and outside the school system, were subjected to some type of violence. Of those who were in school, 17.4% were between 12 and 15 years old and 6.3% were between 16 and 17 years old; of those, 11.9% are girls and an equal percentage are boys. Regarding those who are outside the school system, 13.2% were between 12 and 15 and 6.6% were between 16 and 17; and 13.2% were girls and 6.6% were boys.

88. This knowledge generated some specific protection measures, such as the creation in the National Criminal Investigation Unit of the Division of Violence against Women and Children through Order No. 242 of 11 October, in the General Command of the National Police. The objective is to pay more attention to cases of violence that occur frequently in families and the community. In 2006, this measure was supplemented by the creation of brigades, whose work at the provincial level is to provide guidance to prevent the phenomenon and provide information on the situation in the respective provinces and to strengthen the School Brigade of the National Police, created in 2003, for the purpose of

offering a protective and secure environment to students and to put an end to crime in schools.

89. Since the sexual exploitation of minors is a practice that goes hand-in-hand with child labour, the Ministry of Public Administration, Labour and Social Security has continuously published and disseminated the legislation on employment, training and occupational rehabilitation policies. Its implementation strategy in Law No. 1/06 of 18 January contains the following measures among others:

(a) ***Integration/reintegration of youth into the job market***. The purpose is to develop and promote jobs for youth through integrated policies that meet the needs of youths looking for their first job, at every step along the way of their occupational integration. This stimulates and improves the diversity of choice and their contribution to the overall development of Angola;

(b) ***Training of youths in the educational system***. This enables youths from 14 to 25 years old, with a minimum of six years of primary schooling, and who are looking for their first job, to obtain essential vocational skills in order to facilitate the transition from the education system to the working world;

(c) ***Technical and financial support for vocational training*** for the public and private sectors and social partnerships that plan to carry out vocational training programmes;

(d) ***Temporary community service jobs for youth***, to give youth's temporary jobs that meet the needs of localities or areas of residence, and in particular jobs of a civic nature that are innovative and occupy them in their free time. The purpose is to acquire job skills, to adjust to the features of the working world and to have them participate in community activities;

(e) ***Employment and vocational training support for young girls***. The purpose is to provide occupational development training and training to obtain skills for the youngest age group of women looking for their first job. This will enable them, at the professional and personal levels, to acquire self-employment skills and/or access to family income;

(f) ***Local job initiatives***, incorporated into local activity and development processes, to carry out projects that generate jobs at the local level for youths seeking their first job;

(g) ***Support for the socio-occupational integration of youths with moderate disabilities who are looking for their first job***: foster professional development, skills and occupational and the social-occupational rehabilitation of persons who already have jobs and youths who are looking for their first jobs and persons with moderate disabilities; and raise the awareness of employers and other entities to offer incentives to place these people. The aim is also to develop individual socio-occupational integration and family projects for disabled persons;

(h) ***Support for the socio-occupational integration of youths in at-risk social conditions and of an economically active age***. The purpose is the directed integration of economically active youths (14-30 years) who have failed more than once in primary school, in at-risk conditions, guiding them to alternative lifestyles in order to prevent them from entering a cycle of social marginality and to test pillars of motivation that incorporate projects of a dignified and professional life for them.

90. The purpose of these measures, taken in harmony with the objectives of the International Labour Organization (ILO) and Convention No. 182, is to gradually eliminate the worst forms of child labour (*dangerous work, commercial sexual exploitation, trafficking of children, slavery, etc.*).

91. Cases of breaches of the rights of the child, and especially sexual abuse, discrimination, neglect and violence in the family, urban and rural communities, and involvement in severe forms of child labour (in diamond mines, border localities, airports, markets and bus terminals) and economic exploitation (hazardous activities, such as fishing in the high seas, in the south and in the Province of Namibe) deserve great attention in dealing with subjects that pertain to the situation of the child. The commercial sexual exploitation of children and work in the streets are visible, particularly in the urban centers. The subjects are orphan children with no place to live and they are the most vulnerable groups.

92. Measures to counter the situation have been addressed in the national strategy to prevent and mitigate violence against the child, without neglecting the great necessity to revise the National Action and Intervention Plan against the Commercial Sexual Exploitation of the Child adopted through Resolution No. 24/99, which has proven to be unsuited to the current context. Therefore, activities to correct this shortcoming are in progress.

VII. International assistance and cooperation (Article 10)

93. In the context of Mutual Legal Assistance (MLA), Angola and the Republic of Portugal signed an agreement that took effect in February 2009. There are also other international cooperation initiatives that include transnational projections in the trafficking of human beings, data collection and harmonized management information systems.

94. The other agreements that Angola and Portugal signed on 30 August 1995 are:

- The Legal and Judicial Cooperation Agreement;
- The Bilateral Cooperation Agreement in the Area of Fighting the Illegal Trafficking of Drugs, Psychotropic Substances and Related Crime;
- The Cooperation Protocol in the Area of Legal-Documentary Information Systems;
- The Cooperation Protocol on the Establishment and Operation of the National Institute of Judicial Studies.

95. At the African continental level, the Multilateral Cooperation Agreement to Combat Trafficking in Persons, Especially Women and Children in Central and West Africa was established during the Ministerial Conference of the Economic Community of West African States (ECOWAS) and the Economic Community of Central African States (ECCAS) against human trafficking. It was signed in 2006 in Abuja, Nigeria.

96. The purpose of the Agreement is to create a common front, the National Force against Trafficking in Persons, to prevent, combat, eliminate and punish trafficking of persons through cooperation at the international level. It also aims to protect, rehabilitate and reintegrate victims of trafficking into their original environment when necessary, and to provide mutual assistance in investigation and detain traffickers through cooperation between the competent authorities of the signatory States. In 2007, in São Tome and Principe, the government of Angola took part in preparing the ECCAS/ECOWAS Joint Action Plan against the Trafficking of Persons, Especially Women and Children.

VIII. Other statutory provisions (Article 11)

97. The constitutional, statutory and normative precepts of the legal system of Angola are consistent with the provisions of the Protocol, primarily as established in Articles 13, 70 and 163 of the CRA; 197 to 2004 of the Family Code; 1 and 2, from 15 to 23 of Law No.

3/14 on the Criminalization of Underlying Offences of Money Laundering; and from 159 to 196 of the Penal Code of Angola.

98. Based on the provision of Article 13 of the Constitution of the Republic of Angola, the apparent inadequacies or omissions in the legislation of Angola or in other measures that address the abduction, sale and trafficking of minors, sexual exploitation of children and child pornography, when compared to the precepts of the Protocol, are solved since the international treaties and agreements that are duly approved or ratified came into effect in the legal system of Angola after they were officially published and came into effect in the international legal system; therefore they were internationally binding on the State of Angola.

99. This constitutional provision expresses the political resolve of the nation of Angola to protect its children and treat them as subjects with rights so that they are fully involved in the commitments made on the national and international levels.

100. Meanwhile, the Republic of Angola also acknowledges a series of challenges regarding the protection of children, and they are the sale of children and child prostitution and pornography, because parents are in the cultural habit of continuing to leave children in the custody of third parties that have no blood kinship at all. As a result, a series of dissemination and awareness activities are being carried out on the trafficking of human beings. The Interministerial Commission against the Trafficking of Human Beings is coordinating this.

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Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by Angola under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

The State party is requested to submit in writing additional, updated information (10,700 words maximum), if possible before 16 February 2018. The Committee may take up all aspects of children's rights set out in the Optional Protocol during the dialogue with the State party.

1. Please provide statistical data, disaggregated by sex, age, ethnicity, nationality, socioeconomic background, and urban or rural residence, for the past three years, on:

(a) The number of child victims of all forms of sale as defined by articles 2 and 3 of the Optional Protocol;

(b) The number of children engaged in prostitution and the extent to which child prostitution is linked to sex tourism and businesses;

(c) The extent to which child pornography is produced, imported, distributed or consumed within the State party, including photographs, videos, Internet sites and live performances;

(d) The number of children trafficked from or through Angola and children trafficked within the country for the purpose of sale, prostitution, engagement in forced labour, illegal adoption, organ transfer or pornography as defined in article 3 (1) of the Optional Protocol;

(e) The number of investigations, prosecutions and convictions for offences under the Optional Protocol, disaggregated by the nature of the offence and the age and sex of the child victim, including those within the cooperation agreements between the State party's authorities and those from Portugal and France;

(f) The number of child victims of abuses under the Optional Protocol who have been hosted in shelters throughout Angola.

2. Please provide information on the reasons for the enduring "lack of data due to poor or non-existent systems of registries, storage and processing of qualitative and quantitative data" (CRC/C/OPSC/AGO/1, para. 25). Please provide information on the status of the Children's Indicator System and the National Observatory of the Situation of the Child. Please also provide information on the survey mentioned in paragraph 26 of the State party's report and any other efforts to collect up-to-date quantitative and qualitative data.

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3. Please provide information on the current strategy of the State party for the elimination of the sale of children, child prostitution and child pornography and the protection of child victims, the entity responsible for its implementation, the allocated budget and the results achieved. Please provide information on the various strategies related to the Optional Protocol, their implementation, the results obtained and follow-up programmes.

4. Please provide updated information on initiatives taken to raise awareness of and promote education on the harmful consequences of offences under the Optional Protocol, in particular towards children. Please provide information on training activities on the Optional Protocol directed at relevant professional categories, including teachers, medical staff, social workers, police, prosecutors, judges and immigration officers.

5. Please provide information on the activities for the past three years of the State-run "SOS - Criança Helpline", namely the number of calls received in relation to offences under the Optional Protocol and how they were processed, including the support provided to child victims and the number of cases resulting in investigations, prosecutions and convictions.

6. Please provide information on the bilateral and multilateral agreements on adoption, including the legal and other measures taken to prevent illegal adoptions, and the regulations and licencing of agencies and individuals acting as intermediaries in adoptions.

7. Please provide information on how the Law on the Protection and Development of the Child of 2012, the Law on the Criminalization of Underlying Offences of Money Laundering and Trafficking of Human Beings of 2014 and the draft penal code specifically incorporate the provisions of the Optional Protocol related to the prevention and prohibition of all acts and activities enumerated in article 3 (1), ensure the rights and best interests of child victims at all stages of criminal investigations and proceedings which concern them and guarantee that child victims are not criminalized.

8. Please indicate the legal provisions that establish extraterritorial jurisdiction over the offences under the Optional Protocol. Please provide information on whether extradition requires the existence of an extradition treaty and whether the Optional Protocol is recognized as a sufficient basis for granting an extradition request. Please also provide the Committee with information on the number of requests for extradition that have been granted, disaggregated by the nature of the offences and the requesting State.

9. Please provide information on the law, policy and practice with regard to seizure and confiscation of materials, assets or other goods used to commit or facilitate offences under the Optional Protocol, of proceeds derived from the commission of such offences and the closure of premises used to commit such offences.

10. Please provide information on the measures taken to develop holistic and victim-centred methods to identify children, including unaccompanied children entering the State party, who are, or who are at risk of becoming, victims of child trafficking, sale, prostitution and pornography.

11. Please elaborate on the measures taken to protect the rights and interests of child victims and witnesses of crimes under the Optional Protocol, including adequate support for their recovery and reintegration. Please describe the existing remedies and procedures that may be used by child victims to seek compensation for damages from those legally responsible.